IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P. No.173 of 1985
Date of decision: 04.07. 2007

State of Punjab.

-----Petitioner.

Vs.

Sh. Gurmej Singh & another.

-----Respondents.

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL

Present: Mr. Anil Kumar Sharma, Sr. DAG, Punjab
for the petitioner.

Adarsh Kumar Goel, J.

The State-management is aggrieved by award of the Labour Court reinstating respondent No.1-workman into service without backwages by substituting the punishment of dismissal by the punishment of stoppage of three increments with permanent effect.

Dispute was referred for adjudication at the instance of the workman. Case of the workman was that he was employed as Conductor since September, 1976 and his services were terminated on 18.10.1977 on the charge that he embezzled a sum of Rs.5/-.

The management defended the action by submitting that the departmental inquiry was duly held and embezzlement being serious, charge of dismissal from service was justified.

The Labour Court exercising its power under Section 11-A of the Industrial Disputes Act, 1947 held that the punishment was excessive.

At the time of admission of the writ petition, no stay was granted and the workman may have joined the service and may have been served for the last 22 years. This writ petition was ordered to be heard with connected petition being Civil Writ Petition No.65 or 1984, which came up for hearing on 18.10.2000 and having regard to the fact that the workman has been reinstated long back the said connected writ petition was dismissed. This consideration applies to the present petition also and the present writ petition is also liable to be dismissed.

Learned counsel for the State relied upon judgments of this Court in ***State of Punjab v. Harjinder Singh*** 1993(1) RSJ 758 and ***State of Punjab v. Harish Chander and anr.*** 1993(3) RSJ 476, wherein it was held that even for small amount of embezzlement, dismissal may be justified.

In the said judgments, the award of the Labour Court had been stayed and the workman had not been reinstated. In the present case, no stay having been granted, the workman may have joined service and may have served for about 22 years. In these circumstances, no interference is called for with the impugned order.

The writ petition is dismissed.

July 04, 2007 **(ADARSH KUMAR GOEL)**

C.W.P. No.173 of 1985

ashwani **JUDGE**